

Atty Dkt No.2300-0363.01  
Client Dkt No. PP00363.115  
PATENT

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of SCARLATO et al.

Serial No.: 10/695,499

Examiner: J. E. GRASER

Confirmation No.: 7930

Art Unit: 1645

Filed: October 28, 2003

For: MENINGOCOCCAL ANTIGENS

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56,  
Applicant(s) hereby submits the following information in conformance with 37 C.F.R.  
§§1.97 and 1.98.

Pursuant to 37 C.F.R. §1.98, a copy of each document cited in the attached Form PTO/SB/08 is enclosed.

No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. 09/302,626 to which the above-identified application claims priority under 35 U.S.C. §120.

- Publication(s) \_\_\_\_\_ listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to \_\_\_\_\_ application serial no. \_\_\_\_\_ and mailed on \_\_\_\_\_.
- Enclosed is a copy of a non-English publication(s) \_\_\_. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- Enclosed is a copy of a non-English publication(s) \_\_\_. English language publication \_\_ (copy enclosed) claims priority from this non-English publication.
- Enclosed is an explanation of non-English publication(s) \_\_ for which an English translation is not available.
- Enclosed is an English translation of non-English publication(s) \_\_ cited in the attached Form PTO/SB/08A.
- Enclosed is a copy of pending patent Application Serial No. \_\_\_\_.

This Information Disclosure Statement is filed within any one of the following time periods:

- within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);
- within three months from the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in this international application;
- before the mailing date of a first office action on the merits; or
- before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

Please direct all further written communications in this application to:

Alisa A. Harbin  
Chiron Corporation  
Intellectual Property – R440  
P.O. Box 8097  
Emeryville, CA 94662-8097.

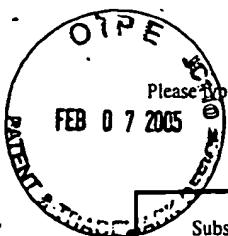
Dated: 2/3/05

Respectfully submitted,

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By: 

Roberta L. Robins  
Reg. No. 33,208



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PTO/SB/08A (08-00)

<p>Substitute for form 1449A/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p><i>(use as many sheets as necessary)</i></p>				<i>Complete if Known</i>	
<p>Application Number</p> <p>Filing Date</p> <p>First Named Inventor</p> <p>Group Art Unit</p> <p>Examiner Name</p>		<p>10/695,499</p> <p>October 28, 2003</p> <p>SCARLATO et al.</p> <p>1645</p> <p>J.E. Graser</p>			
Sheet	1	of	2	<p>Attorney Docket Number</p> <p>2300-0363 (PP00363.115)</p>	

**U.S. PATENT DOCUMENTS**

## FOREIGN PATENT DOCUMENTS

Examiner  
Signature

**Date  
Considered**

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and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number.

<sup>2</sup> See attached Kinds of U.S. Patent Documents.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

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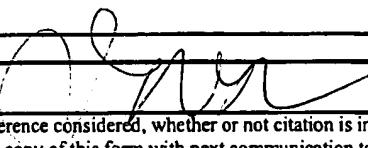
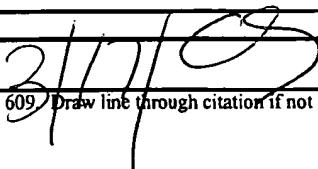
**<sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.**

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PTO/SB/08A (08-00)

Substitute for form 1449B/PTO				<i>Complete if Known</i>	
				Application Number	10/695,499
				Filing Date	October 28, 2003
				First Named Inventor	SCARLATO et al.
				Group Art Unit	1645
				Examiner Name	J.E. Graser
				Attorney Docket Number	2300-0363 (PP00363.115)
Sheet	2	of	2		

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		

Examiner Signature		Date Considered	
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Attorney Docket No. 2300-0363.01 (PP00363.115)

PATENT

Express Mail Label No.: EL 985 780 159 US

Date of Deposit: 10/28/03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of SCARLATO et al.

Serial No.: CON of 09/302,626

Examiner: Unassigned

Confirmation No.:

Art Unit: Unassigned

Filed: On even date herewith

For: MENINGOCOCCAL ANTIGENS

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This Information Disclosure Statement is filed with the herein continuation application.

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Please direct all further written communications in this application to:

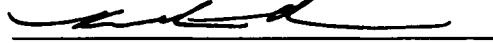
Alisa A. Harbin  
Chiron Corporation  
Intellectual Property – R440  
P.O. Box 8097  
Emeryville, CA 94662-8097.

Dated: 10/28/03

Respectfully submitted,

Chiron Corporation  
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By:

  
Roberta L. Robins  
Reg. No. 33,208

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<p>Sheet 1 of 3</p>		<table border="1"> <tr> <td>Application Number</td> <td>CON of 09/302,626</td> </tr> <tr> <td>Filing Date</td> <td>On even date herewith</td> </tr> <tr> <td>First Named Inventor</td> <td>SCARLATO</td> </tr> <tr> <td>Group Art Unit</td> <td>Unassigned <i>(1045)</i></td> </tr> <tr> <td>Examiner Name</td> <td>Unassigned <i>(SAC)</i></td> </tr> <tr> <td colspan="2">Attorney Docket Number</td> </tr> </table>				Application Number	CON of 09/302,626	Filing Date	On even date herewith	First Named Inventor	SCARLATO	Group Art Unit	Unassigned <i>(1045)</i>	Examiner Name	Unassigned <i>(SAC)</i>	Attorney Docket Number	
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Attorney Docket Number																	
		2300-0363 (PP00363.115)															

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
	B1	EP	0 467 714	A1	Merck & Co., Inc.	01-22-1992	
	B2	WO	95/03413	A1	The Rockefeller University et al.	02-02-1995	
	B3	WO	96/29412	A1	IAF Bio Vac Inc.	09-26-1996	
	B4	WO	95/33049	A2	Pasteur Merieux Serums et Vaccins Transgene S.A.	12-07-1995	
	B5	WO	96/30519	A1	Washington University	10-03-1996	

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Date  
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PTO/SB/08A (08-00)

Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				<i>Complete if Known</i>	
Sheet	2	of	3	Application Number	CON of 09/302,626
				Filing Date	On even date herewith
				First Named Inventor	SCARLATO
				Group Art Unit	Unassigned <i>1675</i>
				Examiner Name	Unassigned <i>Grass</i>
				Attorney Docket Number	2300-0363 (PP00363.115)

<b>OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS</b>			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C1	ALDEEN et al., "The meningococcal transferring-binding proteins 1 and 2 are both surface exposed and generate bactericidal antibodies capable of killing homologous and heterologous strains," <i>Vaccine</i> 14(1):49-53, 1996	
	C2	CONSTANTINO et al., "Development and phase 1 clinical testing of a conjugate vaccine against meningococcus A and C," <i>Vaccine</i> 10:691-698	
	C3	JAFARI et al., "Control and prevention of meningococcal disease: recommendations of the advisory committee on immunization practices (ACIP)," <i>MMWR</i> 46(RR-5):1-10, 1997	
	C4	LIEBERMAN et al., "Safety and immunogenicity of a serogroups A/C <i>Neisseria meningitidis</i> oligosaccharide-protein conjugate vaccine in young children," <i>JAMA</i> 275(19):1499-1503, 1996	
	C5	PERKINS et al., "Control and prevention of serogroup C meningococcal disease: evaluation and management of suspected outbreaks: recommendations for the advisory committee on immunization practices (ACIP)," <i>MMWR</i> 46(RR-5):13-21, 1997	
	C6	POOLMAN, "Development of a meningococcal vaccine," <i>Infection agents and Disease</i> 4:13-28, 1995	
	C7	ROKBI et al., "Evaluation of recombinant transferring-binding protein B variants from <i>Neisseria meningitidis</i> for their ability to induce cross-reactive and bactericidal antibodies against a genetically diverse collection of serogroup B strains," <i>Infection and Immunity</i> 65(1):55-63, 1997	
	C8	ROKBI et al., "Heterogeneity of <i>tbpB</i> , the transferring-binding protein B gene, among serogroup B <i>Neisseria meningitidis</i> strains of the ET-5 complex," <i>Clinical and Diagnostic Lab. Immun.</i> 4(5):522-529, 1997	
	C9	ROMERO et al., "Current status of meningococcal group B vaccine candidates: capsular or noncapsular?" <i>Clinical Microbio. Reviews</i> 7(4):559-575, 1994	
	C10	SCHUCHAT et al., "Bacterial meningitis in the United States in 1995," <i>New England J. of Medicine</i> 337(14):970-976, 1997	
	C11	WEDEGE et al., "Human antibody response to a group B serotype 2a meningococcal vaccine determined by immunoblotting," <i>Infection and Immunity</i> 51(2):571-578, 1986	

Examiner Signature	<i>[Signature]</i>	Date Considered	<i>3/17/07</i>
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<p>Filing Date</p>		On even date herewith			
<p>First Named Inventor</p>		SCARLATO			
<p>Group Art Unit</p>		Unassigned 1075			
<p>Examiner Name</p>		Unassigned (Ces)			
Sheet	3	of	3	Attorney Docket Number	2300-0363 (PP00363.115)

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

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J	C12	ZOLLINGER, "New and improved vaccines against meningococcal disease," in <i>New Generation Vaccines</i> , 2 <sup>nd</sup> Ed., pp.469-488, 1997	

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3/7/08

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